

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAIN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION No. M 07-1827 SI
MDL No. 1827

This Order Relates To: No. C 11-02495 SI

JACO ELECTRONICS, INC.,
Plaintiffs,
**ORDER DENYING NEC DEFENDANTS'
MOTION TO DISMISS JACO
COMPLAINT**

v.

AU OPTRONICS CORPORATION, *et al.*,
Defendants.

Now before the Court is a motion filed by defendants NEC Corporation, NEC LCD Technologies, Ltd., and Renesas Electronics America, Inc. (collectively, "NEC") to dismiss the part of the Sherman Act Claim filed by plaintiff Jaco Electronics, Inc. ("Jaco") against NEC that has not been ordered to arbitration. Pursuant to Civil Local Rule 7-1(b), the Court finds these matters suitable for disposition without oral argument and therefore VACATES the hearing currently scheduled for April 20, 2012. Having considered the parties' papers, and for good cause appearing, the Court hereby DENIES NEC's motion.¹

This Court has already determined that allegations substantially similar to those contained in Jaco's complaint are sufficient to state a claim against the NEC entities. *See, e.g.*, Order Denying NEC Defendants' Motion to Dismiss, Master Docket No. 4868 (February 23, 2012); Order Granting in Part

¹ The Court is unconvinced that NEC will suffer any prejudice resulting from denial of this motion prior to the Court of Appeal's ruling on its stay request.

1 Defendants' Motion to Dismiss, Master Docket No. 4591 (January 18, 2012); Order Granting in Part
2 Defendants' Motion to Dismiss, Master Docket No. 4601 (January 18, 2012). Jaco's allegations against
3 NEC are not materially different from the allegations the Court found sufficient in those cases. *See e.g.*,
4 FAC at ¶¶ 76-78, 80, 97. Accordingly, the Court finds that Jaco's complaint states a plausible claim for
5 relief against NEC.

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7 **CONCLUSION**

8 For the foregoing reasons and for good cause shown, the Court hereby DENIES NEC's motion
9 to dismiss. Master Docket No. 5085.

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IT IS SO ORDERED.

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Dated: April 17, 2012

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SUSAN ILLSTON
United States District Judge